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6
7 UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

8 ROBERT J. STEPHENS; and ALASKA
9 AND N.W. CHARTERS, LLC,

10 Plaintiffs,

11 v.

12 RENI MILLAR, a/k/a RENI,

13 Defendant.

NO. 3:16-cv-00210-JWS

MOTION FOR ENTRY OF
DEFAULT JUDGMENT

14 **RELIEF REQUESTED**

15 This Court has entered default against defendant Reni Millar, a/k/a “Reni.” *See*
16 *Dkt. 9*. Plaintiffs Robert J. Stephens and Alaska and N.W. Charters, LLC, now
17 respectfully move this Court for entry of default judgment against defendant under Fed. R.
18 Civ. P. 55(b) and LR 55.1.

19 **FACTS**

20 Plaintiffs seek declaratory relief. *Complaint*. Plaintiffs’ request follows Millar’s
21 allegations, in a suit voluntarily dismissed in Alaska Superior Court, of an injury allegedly
22 suffered aboard the M/V CALY, the M/V CALEDONIA’s tender on or about June 30,
23 2014. *Id.* Millar alleged she suffered her injury while a seaman in the CALEDONIA’s
24 employ, alleging Jones Act negligence, unseaworthiness, and demanding maintenance,
25 cure, and unearned wages. *Id.* Millar was neither a seaman in the service of the
26 CALEDONIA or its tender, nor plaintiffs’ employee, but a private guest of plaintiff

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1 Robert J. Stephens. *Id.*

2 Based on the well-pleaded facts of the *Complaint*, to which Ms. Millar has failed
3 to respond, plaintiffs request entry of default judgment against Ms. Millar in the form of a
4 declaration that they are not liable to Millar for the payment of any claim under the
5 doctrines of maintenance and cure (including unearned wages), unseaworthiness, or the
6 Jones Act related to Millar's alleged injury aboard the CALY. *Id.*

7 At the time of filing this *Motion*, defendant Millar has not demonstrated a clear
8 purpose to defend this action. *Id.* Defendant is not a minor or incompetent person, nor is
9 she engaged in active U.S. military service. *Id.*

10 **AUTHORITY AND ARGUMENT**

11 Plaintiffs are entitled to entry of default judgment against defendant. *See* Fed. R.
12 Civ. P. 55(b). The Court may grant a default judgment when a properly served defendant
13 fails to respond to a complaint for declaratory relief. *See, e.g., Am. Select Ins. Co. v.*
14 *Taylor*, 445 F. Supp. 2d 681, 684 (N.D. W.Va. 2006) (awarding default judgment in
15 declaratory judgment action); *Hartford Acc. & Indem. Co. v. Smeck*, 78 F.R.D. 537, 541
16 (E.D. Pa. 1978) (same).

17 The remedies demanded by Millar are reserved for seamen injured in service of a
18 vessel in navigation. *See, e.g., Keel v. Greenville Mid-Stream Serv., Inc.*, 321 F.2d 903,
19 904 (5th Cir. 1963) (maintenance and cure); *Garrett v. U.S. Lines, Inc.*, 574 F.2d 997,
20 1000 (9th Cir. 1978) (seaworthiness); 46 U.S.C. § 30104 (the Jones Act).

21 As stated in the well-pleaded facts in plaintiff's *Complaint*, Millar was a personal
22 guest aboard the CALEDONIA and its tender at the time of her alleged injury. Millar was
23 not a seaman, and consequently is not entitled to seamen's remedies.

24 Plaintiffs respectfully request a declaration to that effect. Plaintiffs request the
25 Court declare they are not liable to Millar under the doctrine of maintenance and cure, or
26 for payment for unseaworthiness or Jones Act negligence claims.

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1 **CONCLUSION**

2 For the foregoing reasons, plaintiffs Robert J. Stephenson and Alaska and N.W.
3 Charters, LLC, respectfully request the Court enter default judgment against Reni Millar.

4 Dated this Thursday, October 20, 2016.

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